

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**HERBERT F. WARRENDER,  
Plaintiff,**

**vs.**

**MICHAEL BERECKY, et al,  
Defendants,**

The application is

**SO ORDERED,**

/S/

**Lois Bloom, U.S.M.J.**

**Dated: 7/12/10  
Brooklyn, New York**

☒ granted.  
☒ denied.

*See Document  
39 which  
states  
documents  
have been  
provided,  
albeit late.*

**Civil Action: CV-09-2697  
(MATSUMOTO, BLOOM)**

**MOTION FOR DEFAULT JUDGEMENT AGAINST THE DEFENDANTS FOR  
FAILURE TO COMPLY WITH ORDER FOR PRODUCTION OF DOCUMENTS.**

**COMES Now, Herbert F. Warrender, the Plaintiff; seeking this Honorable Court in compliance to Federal Rules of Civil Procedure Rule 37 to move for a Default Judgment against the Defendants with said cause:**

- 1. On November 30, 2009; Honorable Magistrate Bloom entered an Order pursuant to Rule 26 for the Defendants' Counsel (U. S. Attorney's Office) to submit documentation for the Plaintiff for authorization to acquire medical / hospitalization reports from Lutheran Hospital in Brooklyn, New York.**
- 2. The Plaintiff returned said authorization to the United States Attorneys Office promptly.**
- 3. This honorable Court stipulated that copies of all medical records were to be given to the Plaintiff by the Defendants under Rule 26.**
- 4. To date, the Plaintiff has never received any copies of any medical records from the Defendants' counsel.**

**WHEREFORE, the Plaintiff moves for an Order of Default against the Defendants for failure to comply with this Court's order on November 30, 2009.**

**June 18, 2010**

**Respectfully Submitted,**



**Herbert F. Warrender**



**C.c. Kelly Horan Floiro  
Assistant U. S. Attorney  
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